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# United States Department of Agriculture

## FOOD DISTRIBUTION ADMINISTRATION

### SERVICE AND REGULATORY ANNOUNCEMENTS NO. 98 (REVISED)

## RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS, AND MEAT PRODUCTS

UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D. C.

By virtue of the authority vested in the Secretary of Agriculture by law (56 Stat. 664; 7 U. S. C. 414), the following revision of rules and regulations under Title 7, Chapter I, Subchapter C, Part 53, Code of Federal Regulations is promulgated, to become effective on February 15, 1943.

(Title 7, Ch. I, SubCh. C, Pt. 53 of the Code of Federal Regulations)

### CONTENTS

	Page		Page
Definitions.....	1	Grade identification—continued	
53.1 Meaning of words.....	1	53.25 Alteration or imitation of grade-identifying devices forbidden.....	6
53.2 Terms defined.....	1	Appeal grading.....	6
Administration.....	3	53.26 When appeal may be made.....	6
53.3 Authority.....	3	53.27 How to obtain appeal grading.....	6
Where service may be offered.....	4	53.28 When appeal may be refused.....	6
53.4 Designated markets and locations.....	4	53.29 When appeal may be withdrawn.....	6
53.5 When grading services may be withdrawn.....	4	53.30 Order in which appeal gradings shall be made.....	6
Grading services.....	4	53.31 Who shall make appeal grading.....	6
53.6 Kind of service.....	4	53.32 Appeal grading certificate.....	6
53.7 Request for establishment of grading service.....	4	53.33 Superseded certificates.....	7
53.8 Who may obtain grading service.....	4	53.34 When request for regrading is not an appeal.....	7
53.9 How to obtain grading service.....	4	Licensed graders.....	7
53.10 Form of application for grading service.....	4	53.35 Who may be licensed as graders.....	7
53.11 When application for grading service deemed filed.....	4	53.36 Suspension of license.....	7
53.12 When application for grading service may be rejected.....	4	53.37 Applicant to be examined for competency.....	7
53.13 When application for grading service may be withdrawn.....	4	53.38 License, property of Department.....	7
53.14 Authority of agent.....	4	53.39 Return of license.....	7
53.15 Accessibility of product.....	4	53.40 Conditions governing license.....	7
53.16 Basis of service.....	5	Charges for grading services.....	7
53.17 Order of grading.....	5	53.41 Fees and costs.....	8
53.18 Financial interest of grader.....	5	53.42 How fees shall be paid.....	8
53.19 Certificates: Issuance.....	5	53.43 Disposition of fees.....	8
53.20 Certificates: Form.....	5	Miscellaneous.....	8
53.21 Disposition of certificates.....	5	53.44 Fraud or misrepresentation.....	8
53.22 Advance information.....	5	53.45 Interfering with a grader.....	8
Grade identification.....	5	53.46 Identification.....	8
53.23 Evidence of grade.....	5	53.47 Correction of errors in grading.....	8
53.24 Custody of grade-identifying devices.....	6	53.48 Publications.....	8
		53.49 Political activity.....	8

### DEFINITIONS

53.1 **Meaning of words.**—Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

53.2 **Terms defined.**—For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

(a) *The act.*—The following provisions of an act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year

ending June 30, 1943, and for other purposes," approved July 22, 1942, (56 Stat. 664; 7 U. S. C. 1940 ed. 414), or any future act of Congress conferring like authority:

"For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That officers and employees who, under proper authorization, use privately owned motor vehicles in the performance of official travel within the corporate limits of their official stations for the purpose of inspecting and grading farm and food products and the supervision thereof at points located within the said corporate limits may be reimbursed for such travel at a rate not to exceed three cents per mile: *Provided further*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

(b) *Department*.—The United States Department of Agriculture.

(c) *Secretary*.—The Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore delegated or may hereafter delegate the authority to act in his stead.

(d) *Administration*.—Food Distribution Administration.

(e) *Director*.—The Director of Food Distribution of the Department, or any officer or employee of the Administration to whom the Director has heretofore lawfully delegated, or to whom the Director may hereafter lawfully delegate, the authority to act in his stead.

(f) *Person*.—Individual, association, partnership, or corporation.

(g) *Financially interested party*.—Anyone having a financial interest in the products involved, including the shipper, the receiver, or the carrier, or any authorized person in behalf of such party.

(h) *Applicant*.—A financially interested party who requests product grading services.

(i) *Official grader*.—Employee of the Department of Agriculture authorized by the Secretary to investigate and certify to shippers and other interested parties the class, quality, grade, or condition of products under the act.

(j) *Licensed grader*.—A grader licensed by the Secretary to grade products under the act and the provisions of this part.

(k) *Supervisor of grading*.—An official grader or other qualified person designated by the Director to supervise grading, branding, and certification of products and to maintain uniformity thereof under the provisions of the act and the regulations in this part.

(l) *Regulations*.—Rules and regulations of the Secretary under the act.

(m) *Products*.—Meats, prepared meats, meat food products, and meat by-products.

(n) *Meat*.—Meat is the flesh derived from cattle, sheep, swine, or goats intended for human food with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the flesh.

(o) *Prepared meats*.—Prepared meat is the product obtained by subjecting meat to a process of drying, curing, smoking, cooking, comminuting, seasoning, or flavoring, or to any combination of such processes to which no considerable quantity of any substance other than meat or meat byproducts has been added.

(p) *Meat food products*.—A meat food product is any article of food or any article which enters into the composition of food for human consumption, which is derived or prepared, in whole or in part, by a process of manufacture, from any edible portion of cattle, sheep, swine, or goats, if such portion be all or a considerable and definite portion of the article.



(q) *Meat byproducts.*—Meat byproducts are all edible parts, other than meat, derived from cattle, sheep, swine, or goats, and include such organs and parts as hearts, livers, kidneys, tongues, tails, sweetbreads, brains, lungs, melts, stomachs, tripe, lips, snouts, and ears.

(r) *Carcass.*—A carcass is the commercially prepared or dressed body of any cattle, sheep, swine, or goat intended for human food.

(s) *Designated markets.*—Any shipping, receiving, handling, or distributing point designated by the Secretary or the Director as an important central market where products may be graded and certified under the act.

(t) *Grading service.*—A service authorized by the act and established and conducted under this part for the purpose of grading and certifying products.

(u) *Grade.*—Grade is the last important commercial subdivision of a product based on certain definite value and preference-determining factors, such as conformation, finish, and quality in meats.

(v) *Office of grading.*—The office of an official grader of products.

(w) *Grading.*—The act of determining the class, quality (grade), or condition of products according to official or tentative standards for such products, or of determining their compliance with specifications.

(x) *Grading certificate.*—Certificate issued by an official grader showing the class, quality (grade), or condition of products graded.

(y) *Certification of products.*—The preparation and issuance of signed grading certificates as required under the provisions of this part.

(z) *Class.*—Class is a subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or species. For instance, the classes of beef are: Steer, heifer, cow, stag, and bull.

(aa) *Quality.*—Quality in a product is a combination of its inherent properties which determines its relative degree of excellence.

(bb) *Condition.*—Condition has reference to the nature of a product which affects its merchantability, with special reference to its state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food.

(cc) *Standards.*—The official and tentative standards of the Department for the class, quality (grade), or condition of products.

(dd) *Specifications.*—The descriptions of official and tentative standards for products, Federal specifications for products, or such other specifications as may be approved by the Director.

(ee) *Grade identification.*—A name or symbol denoting the official grade of products graded or the record of same on an official certificate.

(ff) *Grade-identifying device.*—A brand, stamp, seal, mark, or other device approved by the Director to be affixed to products or to the containers thereof to indicate the grade of such product as determined by an official or licensed grader.

(gg) *Appeal.*—A request by a financially interested party for appeal grading and certification.

(hh) *Appeal grading.*—The act of grading and certifying products in response to an appeal from original grading and certification.

(ii) *License.*—A license issued by the Secretary under the act.

(jj) *Fees.*—Charges to cover costs of grading services rendered.

(kk) *Container.*—A receptacle, wrapper, or covering in which products are customarily packed and delivered to the meat trade or to consumers.

(ll) *Immediate container.*—A unit carton, can, pot, tin, casing, wrapper, or other receptacle or covering in which products are customarily packed and delivered to the meat trade or to consumers.

(mm) *Shipping container.*—A carton, box, bag, barrel, crate, or other receptacle or covering enclosing products packed in one or more immediate containers.

(nn) *Cooperative agreements.*—Agreements between the Administration and other branches of the Government, State agencies, and other agencies or persons as specified in the act to conduct cooperatively product grading services under the act and the provisions in this part.

## ADMINISTRATION

**55.3 Authority.**—The Director is charged with the administration of the provisions of the act and of the regulations in this part and is authorized to designate important central markets and to issue such instructions as he may deem proper and necessary for the conduct of the service.

## WHERE SERVICES MAY BE OFFERED

**53.4 Designated markets and locations.**—Grading and certification services in accordance with the provisions of the act may be offered, at the discretion of the Director, at designated markets, and at other designated locations.

(a) *Designated market.*—All important central markets as determined under section 53.2 (s) where meats and products are manufactured or prepared, or are shipped, received, or distributed in commerce in considerable quantities are hereby declared to be the designated markets where grading and certification services may be offered and conducted.

(b) *Other designated locations.*—Points other than regularly designated markets with activities similar to those outlined under (a), that are readily accessible from designated markets, and to which services can be extended conveniently by the Director in accordance with the provisions of the act.

**53.5 When grading services may be withdrawn.**—The Director may withdraw grading services from any designated market or other point when the exigencies of the services require such withdrawal.

## GRADING SERVICES

**53.6 Kind of service.**—Examination, identification, and certification of products may be made according to the United States standards for class, quality (grade), and condition, or according to specifications approved by the Director for this purpose.

**53.7 Request for establishment of grading service.**—Requests for the establishment of grading services at designated markets or at other points may be filed with the Director.

**53.8 Who may obtain grading service.**—Request for product grading services may be made by any financially interested person or his authorized agent, including Federal, State, county, and municipal Governments, and common carriers.

**53.9 How to obtain grading service.**—Application for grading service may be filed in an office of grading or with an official grader. It may be made orally, in writing, by telegraph, telephone, or other means of communication. If made orally, the official grader or the office of grading may require that it be confirmed in writing or by telegram stating the facts required by section 53.10.

**53.10 Form of application for grading service.**—Each formal application for grading service shall include such of the following information as may be necessary, or as may be required by the Director for proper location and identification of the product: (a) the date of application; (b) the description and location of the product to be graded; (c) the name and post-office address of the applicant or of the person, if other than the applicant, making the application in his behalf; (d) the interest of the applicant (except an official of the Federal Government or of a State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, in the products involved; (f) the shipping point and destination of the product, and (g) type of service desired.

**53.11 When application for grading service deemed filed.**—An application for grading shall be deemed filed when delivered to an established office of grading. Records showing the date and time of filing shall be made and kept in such office.

**53.12 When application for grading service may be rejected.**—Any request for grading service may be rejected by the official grader in charge of the office of grading in which it is filed, for noncompliance with the act or with any regulation thereunder, simulation or imitation of grade labels, altering certificates, failure to make product available for examination, abusive language or act of violence directed toward the grader, attempts to influence the judgment of the grader, or any other interference with grader while performing grading, and such official grader shall immediately notify the applicant of the reasons for such rejection and shall report his action with the reasons therefor to the Director through his immediate supervisor.

**53.13 When application for grading service may be withdrawn.**—A request for grading service may be withdrawn by the applicant at any time before the service is performed upon payment of any expenses already incurred in connection therewith.

**53.14 Authority of agent.**—Proof of the authority of any person requesting service on behalf of another may be required at the discretion of the official grader.

**53.15 Accessibility of product.**—The applicant shall cause the products on which services are requested to be made easily accessible for grading and to be



so placed with adequate illuminating facilities as to disclose their class, quality (grade), and condition.

**53.16 Basis of service.**—Examination, identification, and certification for class, quality (grade), and condition, or compliance with specification, shall be based upon the official or tentative standards of the Department of Agriculture, Federal specifications, or such specifications of other public or of private agencies using the service, as have been approved by the Director.

**53.17 Order of grading.**—Grading services shall be rendered in the order in which requests are received, except that precedence may be given to requests made by another branch of the Federal Government, a State, a county, or a municipality, and to requests for appeal grading (sec. 53.30).

**53.18 Financial interest of grader.**—No official grader shall grade any products in which he is directly or indirectly financially interested.

**53.19 Certificates: Issuance.**—The official grader shall prepare, sign, and issue official certificates covering products graded by him unless through special arrangements approved by the Director this be not required, in which case complete records of the grading shall be furnished the Administration.

**53.20 Certificates: Form.**—Certificates shall include as much of the following information as may be required by the Director (a) the number of the certificate; (b) name of designated market and place of grading; (c) date of grading; (d) names and addresses of applicant, party in possession, and shipper and buyer, if known; (e) the true class, quality (grade), or condition of the products graded; (f) the exact number of carcasses, sides, quarters, cuts, and packages of products graded by classes and grades; (g) if previously graded, reference to previous certificate by number; (h) if rejected or not graded, reason for rejecting or not grading; (i) for purposes of identification, the weight of each class, grade, and lot; (j) the amount of time, fees, and expenses; (k) name of official grader or graders; (l) additional facts necessary to describe fully the condition, class, and grade.

**53.21 Disposition of certificates.**—The original certificate, and not to exceed two copies, shall be delivered or mailed immediately to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the Director. Copies of certificates shall be kept on file until other disposition is ordered by the Director. Copies will be furnished to other financially interested parties as outlined in section 53.41 (d).

**53.22 Advance information.**—Upon request of an applicant, all or any part of the contents of the certificate may be transmitted by telegraph or telephone to him, or to any person designated by him, at his expense.

## GRADE IDENTIFICATION

**53.23 Evidence of grade.**—As evidence to applicants, purchasers, consumers, and others of the class, quality (grade), or condition of products graded under the act, all such products or the immediate and shipping containers thereof shall bear a mark or marks when and as required by the Director, which shall show in plain, prominently displayed characters the true grades of such products in accordance with the provisions of this section.

(a) *Products officially graded shall be identified for grade.*—Products graded under the act and in accordance with the regulations in this part shall be stamped, branded, or otherwise marked with appropriate grade-identifying device bearing a name or symbol to show the true grade of such products according to the United States standards, or their compliance with specifications, except that such marks may not be required when an applicant desires official certificates only for class, quality (grade), or condition.

(b) *Supervision of grade identifications.*—Official graders shall stamp, brand, label, tag, seal, or otherwise identify the correct grade on products or supervise such operations when they are performed by others.

(c) *Grade-identifying devices.*—The Director may authorize or approve devices for branding, stamping, or imprinting the official grade on products or the containers thereof or for indicating the compliance of such products with specifications.

(d) *What grade-identifying device shall show.*—Each grade-identifying device shall bear a name or appropriate symbol approved by the Director clearly indicating the grade of the product, as determined by an official grader, and such other marks or symbols as may be required by the Director for service identification purposes.

(e) *Name or trade-mark of applicant may be used on grade-identifying device.*—Subject to the approval of the Director, the name or trade-mark, or both, of an applicant may be included as inserts in a grade-identifying device in such form and order as the Director may approve. Such inserts shall be furnished by the applicant without cost to the Administration.

53.24 *Custody of grade-identifying devices.*—All grade-identifying devices, including those indicating compliance with specifications approved by the Director, shall be kept in the custody of the Administration and accurate records shall be kept by the Administration of all grade-identifying and other related devices. Each office of grading shall keep a record also of the devices assigned to it. Such devices shall be distributed only by authorized employees of the Administration who shall maintain complete records of same.

53.25 *Alteration or imitation of grade-identifying devices forbidden.*—No brand, stamp, tag, or other grade-identifying device, or any word, symbols, or legends thereof, authorized in this part for use of official graders to indicate the Federal grades, shall be altered, defaced, imitated, or simulated in any respect and used for the purpose of misrepresentation or deception. (See sec. 53.44.)

## APPEAL GRADING

53.26 *When appeal may be made.*—A request for appeal grading may be made by any financially interested party whenever he is dissatisfied with the class, quality (grade), or condition as shown on the officially graded and identified product or as stated in the applicable certificate.

53.27 *How to obtain appeal grading.*—Appeal grading may be obtained by filing a request for same with the Director (a) direct, or (b) through the official in charge of the meat grading service at nearest designated market, or (c) through the grader who did the original grading. The request for appeal grading shall state the reasons therefor, and may be accompanied by a copy of any previous grading certificate or report, or any other information which the applicant may have received regarding the product at the time of the original grading. Such request may be made orally, in writing, by telegraph, telephone, or otherwise. If made orally, the person receiving the request may require that it be confirmed in writing as specified in sections 53.9 and 53.10. Requests for appeal grading received through the office of grading or an official grader shall be transmitted promptly to the Director for instructions.

53.28 *When appeal may be refused.*—If it shall appear that the reasons stated in a request for appeal grading are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original grading, or that the products cannot be made accessible for thorough examination and grading, or that the identity has been lost, or that the regulations in this part have not been complied with, the request may be refused.

53.29 *When appeal may be withdrawn.*—A request for appeal grading may be withdrawn by the applicant at any time before the regrading has been performed upon payment of any expenses incurred by the Administration in connection therewith.

53.30 *Order in which appeal gradings shall be made.*—Appeal gradings shall be performed as far as practicable in the order in which requests are received. They shall take precedence over all other pending grading requests.

53.31 *Who shall make appeal gradings.*—Appeal grading of products shall be made by official graders designated therefor by the Director or by the person in charge of an office of grading when so authorized by the Director, and such grading shall be conducted jointly by two official graders when practicable. No official grader shall pass upon the correctness of his own grading or of a certificate issued by him.

53.32 *Appeal grading certificate.*—Immediately after an appeal grading has been made a certificate designated or marked as "appeal grading certificate" shall be prepared, signed, and issued referring specifically to the original certificate and stating the class, quality (grade), or condition of the product as shown by the appeal grading. In all other respects the provisions of sections 53.6 to 53.22 shall apply to such appeal grading certificates except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grading certificate shall be mailed to the original applicant.



**53.33 Superseded certificates.**—When an original grading certificate shall have been superseded by an appeal grading certificate, the original grading certificate shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal is filed, the officer or officers issuing the appeal grading certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.

**53.34 When request for regrading is not an appeal.**—Gradings requested to determine the condition of products which have been graded previously and which may have undergone material change since the original grading shall not be considered appeal gradings within the meaning of this section. Regrading requested for the purpose of obtaining an up-to-date certificate and not involving any question as to the correctness of the original certificate covering the products in question, shall not be considered appeal grading within the meaning of sections 53.26 to 53.34.

### LICENSED GRADERS

**53.35 Who may be licensed as graders.**—Persons showing proper qualifications may be licensed by the Secretary as graders of products which may be graded under the act. Such license shall be countersigned by the Chief, Livestock Branch, or by other official designated by him.

**53.36 Suspension of license.**—Any license may be suspended, pending final action by the Secretary, by the Director, or by the Chief of the Livestock Branch whenever such official shall deem such action to be for the good of the service. Within 7 days after any such suspension the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to submit in his behalf.

**53.37 Applicant to be examined for competency.**—Each applicant for a license shall be examined as directed by the Director for the purpose of determining his competency, at such times and places and in such manner as may be prescribed by the Director or by any officer of the Administration designated by him for the purpose.

**53.38 License, property of Department.**—Each license shall be the property of the Department, but the licensee to whom issued, except as provided in section 53.36, shall have the right to the possession thereof.

**53.39 Return of license.**—If any license shall have been superseded, suspended, canceled, or revoked the same shall be returned to the Secretary through the office of grading to which the licensee is assigned.

**53.40 Conditions governing license.**—Each licensed grader shall be governed by the rules and regulations in this part and be under the supervision of official graders designated by the Director as supervisors of grading.

### CHARGES FOR GRADING SERVICES

**53.41 Fees and costs.**—A charge shall be made and collected in the form of fees for services rendered, at rates established herein, to cover the cost of maintaining the service as specified below.

(a) *Basis for charges.*—Fees and charges for grading services at designated markets shall be based on the actual time required to render the services, including the time required for travel of the official grader in connection therewith, at the rate of two dollars and twenty cents (\$2.20) per hour for each official grader assigned, unless otherwise provided by special agreement approved by the Director: *Provided*, That no grading services shall be rendered for less than a minimum charge of one dollar and ten cents (\$1.10); and *Provided further*, That the Director may, in lieu of the fixed charge of \$2.20 per hour, fix other reasonable charges for the grading and certification of products at rates that, in his judgment, will cover the costs of the services.

(b) *Charges under cooperative agreement.*—Charges for grading under cooperative agreements shall be those provided herein unless otherwise stipulated in such agreements.

(c) *Charges for appeal grading.*—Fees for appeal grading shall be double those for original grading, except that appeal grading requested by Federal

Government agencies shall be at actual cost: *Provided*, That when on an appeal grading it is found that there was error in the original grading equal to or exceeding 10 percent of the total weight of the products graded, no charge will be made unless special agreement with the applicant is made in advance.

(d) *Charges for extra copies of grading certificates.*—For not to exceed three copies of a certificate to any person financially interested in a product involved in addition to those issued in accordance with section 53.21 the fee shall be one dollar (\$1.00).

53.42 *How fees shall be paid.*—Fees and other charges shall be paid by the applicant in accordance with directions on the fee bill furnished him, and in advance if required by the official grader.

53.43 *Disposition of fees.*—Fees and other moneys collected for grading services rendered shall be handled as indicated in paragraphs (a) and (b) of this section:

(a) *By graders employed by the Department.*—Fees for grading done by graders exclusively employed by the Department shall be remitted to the Administration by check, draft, or money order made payable to the Treasurer of the United States upon presentation of appropriate billing.

(b) *By graders under cooperative agreements.*—Fees for grading done by graders acting under cooperative agreements with a State or municipal organization, or other cooperating party, shall be handled in accordance with the terms of such agreements.

## MISCELLANEOUS

53.44 *Fraud or misrepresentation.*—(a) Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application, the use of a grading, regrading, or appeal grading certificate, or of a grade label authorized or approved under the regulations in this part, any fraudulent or unauthorized use or simulation of any official grade stamp, brand, tag, mark, or approved label, or the alteration or imitation of grade-identifying devices (53.25), or any willful violation of the regulations in this part or of the supplementary rules and instructions issued by the Director may be deemed sufficient cause for debarring from any further benefits of the act the person found guilty thereof after opportunity for hearing has been accorded him. Pending investigation and hearing, the Director may, without hearing, direct that such person shall be denied the benefits of the act.

(b) Any official grader who may be a party to any fraud, deception, or misrepresentation outlined in this section and in 53.25, or who may conceal knowledge thereof shall, at the discretion of the Secretary, be dismissed from the Department with prejudice or disciplined according to the gravity of his offense.

53.45 *Interfering with a grader.*—Any further benefits of the act may be denied to an applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or any other improper means, a grader in the performance of his duties.

53.46 *Identification.*—All official graders, licensed graders, and supervisors of grading shall have in their possession at all times Administration identification cards and shall identify themselves by such cards on request.

53.47 *Correction of errors in grading.*—When an official grader, supervisor of grading, or other responsible employee of the Administration has evidence of misgrading, or of incorrect grade identification on a product, or of incorrect certification, he shall report same to his immediate superior officer and to the party having possession of the product. The supervisor of grading or the officer in charge of grading shall cause such errors to be corrected.

53.48 *Publications.*—Publications under this part shall be made in the Service and Regulatory Announcements of the Administration and through such other media as the Director may from time to time designate for the purpose.

53.49 *Political activity.*—All official graders and supervisors of grading and others authorized either by appointment or license from the Secretary to grade and to issue grading certificates under the act and this part, are forbidden during the period of their appointment or license to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in

behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

Done at Washington, D. C., this 15th day of February 1943. Witness my hand and the seal of the Department of Agriculture.



*Claude R. Wickard*

*Secretary of Agriculture.*







